

KENTUCKY LEGISLATURE.

IN SENATE.

WEDNESDAY, Jan. 7, 1846.

Prayer by the Rev. Mr. HUNTER.
The Clerk read the Journal of yesterday.
Mr. TODD asked leave of absence for Mr. BRADFORD, on account of a death and illness in his family: granted.

Mr. KEY asked leave of absence for Mr. FOX till next Monday, on account of illness in his family: granted.

The SPEAKER laid before the Senate the Annual Report of the President of the Kentucky Mutual Insurance Company.

Petitions were presented by Messrs. CRENSHAW, BALLARD, SWOPE, EVANS, DRAFFIN and HELM.

Mr. A. BOYD, from the committee on Enrollments, reported sundry bills, which were signed by the Speaker.

REPORTS FROM STANDING COMMITTEES.

Mr. HARDIN, from the committee on the Judiciary, a bill to change the venue in the case of Garrett Fitzpatrick, indicted for inflicting a wound, from Fayette to Clarke Circuit Court: passed.

Also, a bill for the benefit of Albert Allen and Ann E. Allen, his wife: authorizes the sale of land owned by her, and the proceeds vested in other lands for her: passed.

Also, a bill for the benefit of Louisa Ann Coleman, Charles H. Kenner and Marcus M. Kenner: authorizes the distribution of an estate: passed.

Also, a bill for the benefit of John Thomas, of Adair county: authorizes the County Court to levy for his support, instead of keeping him in the poor-house: passed.

Also, a bill for the benefit of Jos. A. and Louisa J. Radford: authorizes sale of lands belonging to infants and proceeds vested in other lands: passed.

Also, a bill for the benefit of Lemuel H. Williams: authorizes him to serve as a Deputy Sheriff, though he had been a Commissioner of Taxes: referred to committee on Finance.

Also, a H. R. act to change the name of James W. Davis to James W. Johnson: passed.

Also, a H. R. act to change the name of Samuel Allison to Samuel Allison Jones: passed.

[A message from the H. R. announcing the passage of sundry bills.]

Also, a H. R. act for the benefit of Benjamin Leavitt: allows him to bring in a slave from Tennessee.

Mr. TAYLOR opposed the bill. The people of his section were as much interested in procuring permission to introduce slaves as any; but they complained with good reason, of too much special legislation on the subject while the great body of the people were subjected to the restrictions and prohibitions of the general law of 1833. They preferred to this kind of partial legislation, the total repeal of the law of '33. They desired that all the citizens of the State should be placed on a footing of equality, all being required to obey the general law, or all left equally free to import slaves by repealing that law. They complained of the special laws for the benefit of individuals in the lower part of the State. No such partial legislation was asked from his section.

Mr. GRAY regretted the opposition of the Senator from Clarke, (Mr. Taylor.) But his reasons are not tenable. He says because his constituents do not ask special legislation, none should not be granted. Our situation is very different. He comes from the interior; I come from the border adjacent to the Tennessee line. The people of the interior have not such cases of necessity urging them to ask permission to bring in slaves. Many reasons exist along the border line justifying importations of slaves, which do not arise and cannot apply in the interior. Slaves frequently marry across the line between the States. Would any here separate man and wife? Even if the law of '33 were right in itself, this case is a fair exemption. He hoped the Senator would withdraw his opposition.

Mr. TAYLOR. The Senator from Christian, (Mr. Gray,) is mistaken in supposing the people of his section are not as much interested as those of the law of '33. The people I represent trade largely in stock, which they drive to those States where slaves are numerous and cheap and they might drive a very profitable business, could they be exempted from the provisions of the general law, in exchanging stock for slaves. The law is rigidly enforced in our section; but its policy will be utterly defeated by the numerous cases of exemption presented and carried by special acts; for every applicant makes out an apparently good case. But all these cases come at last to the naked position—the applicants want additional slaves, and they ask to be privileged to procure them upon better terms than are enjoyed by the great body of the people who are disposed to be obedient to the general law and acquiesce in its policy. And it is a sure case that every one wanting a slave more, thinks his own, and so represents it, to be a peculiarly hard case. As to parting husbands and wives, that was not the question now. When such a question shall legitimately come up here, he would meet it. The people of his section, insisted, that, if any were exempted, all should be exempted from the penalties of the act of '33, prohibiting the importation of slaves into this State.

And the question being taken, shall the bill be read a third time, was decided in the affirmative, yeas 22, nays 10, as follows:

YEAS—Messrs. A. Boyd, Bradley, Bramlette, Chenault, Conner, Crenshaw, Draffin, Dyer, Evans, Gray, Hardin, Harris, Heady, Helm, Key, Marshall, Peyton, South, Thomas, Thurman, Walker, Wallace—22.

NAYS—Messrs. Boyd, Butler, Henderson, Holloway, Newell, Slaughter, Swope, Taylor, Todd, and Woodson—10.

And then the bill passed.
Mr. PEYTON, from the committee on the Judiciary, a bill to change the venue in the case of Milton Martin, indicted for felony, from the Laurel to the Rockcastle Circuit Court: passed.

Mr. CRENSHAW, from the committee on the Judiciary, a bill to repeal the act to amend the act concerning the execution laws, approved March 10, 1843.

Mr. CRENSHAW. The law, proposed to be repealed by this bill, provides that money collected under an execution in favor of any creditor, shall be ratably divided among all execution creditors, by which process innumerable difficulties had arisen and would continue to arise—a statement of which would remove all opposition to the repeal. He referred, in illustration of his views, to a case which occurred in his neighborhood. Three or four judgments had been taken against a debtor at the same term of the Court. One of the plaintiffs sued out execution and levied; but the defendant removed all his property, liable to execution, out of reach. One creditor thus incurred all the expenses, and all the responsibilities, while, had he recovered anything, he had been required to divide the fruits of his own superior diligence among all the other more sluggish creditors in execution. Another case; executions having issued on replevin bonds, and levied, the Sheriff had to travel through two counties to learn from the Judge how the property should be sold. Sheriffs could not proceed satisfactorily and safely under this law. The levy of one execu-

tion on property, gives other execution creditors a lien on the proceeds of the sale; and in many cases the officer was at a loss how to proceed, in apportioning the money to the several creditors. Some cases had arisen, so embarrassing and perplexing, that Judges did not know how to act. In short, the cases of perplexity were innumerable. He cited others showing the embarrassments and difficulties which the law threw in the way of officers. The whole county was interested in the repeal of the law.

Mr. KEY. The law, proposed to be repealed, was thought to work great benefits in this section. Before its enactment one execution creditor could intrigue with the Sheriff, and get all the property of a debtor. Various tricks were prevented by the law of 1843. All creditors now stand on terms of equality. All shared alike the effects of a debtor. The benefits of the existing law are so great, I hope it will remain on the statute book. It prevents combinations between creditors, Sheriffs and debtors.

Mr. BUTLER moved that the bill be re-committed to the committee on the Judiciary.

Mr. CRENSHAW. There are and will be combinations in all cases which no laws can prevent. Suppose an execution levied on property and a lien thus secured to other execution creditors, and after it is supposed one debt is thus secured, they all claim their share, *pro rata*. But then another execution is levied on land; the rest do not want land, and refusing to buy it, the law operates as a replevy. A. B. and C. each refuses to buy the land, because, if he does, he has to advance for the purchase money, to satisfy the other creditors, in order to make his own debt. Often, a creditor had better lose his debt than pursue the only remedy allowed by this law; and the law, in such cases, operating as an indefinite replevy, prevents the collection of debts.

The bill was then recommended to the committee on the Judiciary.

Mr. WALKER, from the committee on Propositions and Grievances, a bill to amend the act in relation to the county line of Floyd: corrects an error in defining the line: passed.

Also, a H. R. act, enlarging the Constable's district of John Sparks of Harrison: passed.

Also, a H. R. act, providing for the appointment of Commissioners to run the line between the counties of Jefferson and Ballitt: passed.

Also, a H. R. act, for the benefit of Moses McMillan of Barren county: authorizes him to bring in a slave from Tennessee.

Mr. TAYLOR moved the re-commitment of the bill to the committee on the Judiciary, with instructions to make the time within which the privilege might be exercised, definite: adopted.

Mr. TODD, from the committee on Finance, a bill for the benefit of Edward Lewis, late Sheriff of Green county, with an amendment: amendment concurred in and the bill passed.

Also, a bill for the benefit of Wm. Skaggs, Sheriff of Green, with an amendment: concurred in and passed.

Also, a bill for the benefit of Wm. Davis, late Sheriff of Clinton, with an amendment: concurred in and passed.

Also, a H. R. act, for the benefit of Thomas Jones, late Sheriff of Casey, and others, with an amendment: concurred in and passed.

Also, a H. R. act, for the benefit of James Flipin and W. G. Howard, late Sheriffs of Monroe: passed.

The hour of 12 o'clock having arrived, on motion of Mr. BUTLER, the orders of the day were postponed, to allow the committee on Finance to finish their reports.

Mr. TODD, from the committee on Finance, a bill for the benefit of Nathan Board and others; allows Board \$20 84, for conveying a lunatic to the Asylum, by order of the Breckinridge Circuit Court; Geo. W. Mansfield \$8 83 and B. P. Wilson \$40 64, for services as Commissioners of Tax in Allen county: passed.

Also, a resolution, that the petition of Philip Lightfoot be rejected: resolution rejected, and petition re-committed, with instructions to the committee on Finance to bring in a bill in accordance with the prayer of the petitioner.

On motion of Mr. PEYTON, the orders of the day were dispensed with.

Mr. PEYTON, from the select committee appointed to report upon the propriety of having the maps accompanying the report of the Commissioners for running the boundary between Kentucky and Tennessee, engraved and published, reported that it would be costly and unnecessary to have them engraved, and recommended them to be recorded and filed in the office of the Secretary of State: concurred in.

MOTIONS AND RESOLUTIONS.

Mr. TODD, leave to introduce a bill for the benefit of the School Commissioners of Fayette county: referred to the committee on Education.

Mr. HARDIN, leave to introduce a bill to extend the charter of the Commonwealth's Bank: referred to the committee on the Judiciary.

Mr. GRAY, leave to introduce a bill to amend the act, entitled an act to amend the act concerning slaves and for other purposes, approved February 5, 1845: referred to the committee on the Judiciary.

REPORTS FROM SELECT COMMITTEES.

Mr. EVANS, a bill for the benefit of William Adcock and others: changes the surname of Adcock, wife and children, to West: passed.

MOTIONS AND RESOLUTIONS AGAIN.

Mr. EVANS, a resolution, directing the committee on the Judiciary to inquire into the propriety of passing a law making seduction a felony, punishable by imprisonment in the Penitentiary: adopted.

Mr. SWOPE, leave to introduce a bill to provide for running the line between Campbell and Pendleton counties: referred to the committee on Propositions and Grievances.

ORDERS OF THE DAY.

An engrossed bill to change the time of the meeting of the General Assembly.

Mr. SOUTH moved that the bill be passed over in the orders: agreed to.

An engrossed bill, for the benefit of Jonathan Davis, of Allen: allows him to bring in a slave.

Mr. HARRIS moved an amendment, as an engrossed rider, allowing Raleigh Watson of Morgan county, to bring in two slaves, a woman and child: adopted.

Mr. BUTLER protested earnestly against all this kind of partial legislation. He thought the indications were, that such partial legislation, in regard to the importation of slaves, would be sanctioned by the Senate, but he must raise his voice against it. He would not go into the general argument at this time; but he would at once signify his decided disapprobation of legislation directed to granting exemptions to individuals, while all the rest of the people were subjected to high penalties, for infracting the general law. The law of '33 prohibits the importation of slaves into this State as merchandise. It inflicts high penalties for violations. Individuals ask to be exempted, which you grant, while all others are punished. In a government like this, the theory of which is, that all enjoy equal privileges, by your general law you lay heavy penalties on the body of the people for doing a certain thing, while by your special laws, you grant peculiar privileges to a few. This was not sound policy. It would awaken jealousy and distrust. The excuses for departure in particular instances, from the general law, were no better than those which

might be urged in favor of excepting the whole people. The excuses urged here are, that persons have slow debts or bad debts in Tennessee, Virginia, &c., and they go to those States and buy negroes in satisfaction of such debts, and then come here with such pretenses, asking to be allowed to bring those slaves into this State without incurring penalty. All such excuses are mere makeweights, thrown in, to secure the importation of slaves, against the law and the policy of the State. The amendment of the Senator from Floyd, (Mr. Harris,) provides for the importation of two slaves, "a woman and child," without description of name, age, or any other guard against fraud, under which many more slaves may be imported. Nay, the person for whom they are to be imported, does not even come before you by petition. The Senator from Floyd, of his overflowing benevolence, seeks this boon for his constituent, who has not asked it himself, and the thing is summarily done by engrossed rider. If such considerations operate, and such a course be sanctioned, where are we to stop? He protested vehemently against such invidious, partial and unjust legislation.

Mr. EVANS could see no injustice in the bill. If any injustice was chargeable, it was in the law of '33, prohibiting the importation of slaves, which unfortunately did not provide for such just exceptions as are provided for in this bill. He urged, with great warmth and at some length, the passage of the bill, particularly on the ground that exemptions not a whit more meritorious, had been granted in favor of others.

Mr. BALLARD moved that the bill lie on the table: negatived.

The bill then passed, yeas 18, nays 12, as follows:

YEAS—Messrs. A. Boyd, Bradley, Bramlette, Conner, Crenshaw, Drake, Dyer, Evans, Gray, Harris, Heady, Helm, Marshall, Peyton, Thomas, Thurman, Walker and Wallace—18.

NAYS—Messrs. Ballard, W. P. Boyd, Butler, Chenault, Draffin, Henderson, Newell, Slaughter, Swope, Taylor, Todd and Woodson—11.

Mr. HARRIS, out of time, on special leave granted, from a select committee, reported a bill to modify the law of 1833, prohibiting the importation of slaves into this State as merchandise: read by its title and 150 copies ordered to be printed.

Sundry bills from the H. R., were read a second time and appropriately referred.

A joint resolution from the H. R., authorizing the appointment of a committee to examine Transylvania University, and the Lunatic Asylum at Lexington, and the Deaf and Dumb Asylum at Danville, was ordered to lie on the table.

The SPEAKER laid before the Senate, the Annual Report of the Superintendent of Public Education: 150 copies ordered to be printed.

And then the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 7, 1846.

Prayers and the Journal being read,

The SPEAKER announced the following additional members of the joint committee on Printing, to wit: Messrs. FINNELL, SEATON and WALLACE.

Mr. DALLAM, from the committee on Enrollments, reported bills passed by this House as correctly enrolled; which were reported in form by the Clerk, and subscribed by the SPEAKER.

Petitions and memorials were presented by Messrs. BOTT, HARDY, CLARK, L. COMBS, HARLAN, WALLER and MILLS; which were severally referred.

REPORTS FROM STANDING COMMITTEES.

Committee on Religion.—Mr. PETERS, from the committee on Religion, reported adversely to the petition for a divorce by Claribbe Ann Wright; in which the House concurred.

Also, a bill divorcing Marvel Winfrey from his wife Betsy Jane: passed.

Also, a bill divorcing Wilfred Clark from his wife Matilda: read, &c., and rejected.

[A Senate message, now received by Mr. Secretary Kohlhaas, announced the passage of sundry bills of this House, and of the Senate, &c.]

Mr. PETERS, directed by a majority of same committee, reported a bill to divorce Mary Hancock from her husband James; which was read, &c., and the second and third readings dispensed: when

Mr. S. STONE proposed to amend by adding an engrossed clause by way of rider, to the effect, that, in all cases where either the husband or the wife have been, or may be divorced, whether by the legislature, or the courts, the other party shall also stand absolved from the marriage, and be divorced by operation of law.

Mr. PETERS said that an act of 1833 contained the identical provision sought by this amendment. (Mistake, mistake, from different members.) Mr. PETERS professed not to be mistaken, and asked for the reading of the statute.

Mr. S. STONE said that the act referred to had respect only to cases of divorce existing before its enactment. But at the instance of Mr. WORTHAM, he withdrew the amendment, remarking, that he was opposed to divorces by the Legislature; and, upon reflection, found that he could not vote for the bill even if it contained his amendment.

And then the bill passed.
Mr. PETERS also reported a bill divorcing Nelson Bennett from his wife Mary: which was read, &c.; and Mr. P. remarked that the allegations of the petitioner were without evidence, &c.

Mr. McKELLUP moved that the bill lie on the table—stating his general opposition to such applications coming from husbands, especially: but withdrew for

Mr. HARDY, who represented his unwillingness to see the House proceeding to grant divorces hastily, and stated one fact within his knowledge, as follows: An application for a divorce, of a character similar to that now under consideration, came up from his county last winter, and its claims were very strongly urged upon the House. But it was at length, successfully resisted; and the consequences was that the parties were now living amicably together; and there was now a member upon this floor charged with the request to withdraw the papers, that they might be destroyed from before the eye of the world.

The bill was then lost.

Mr. PETERS reported a bill divorcing Sally Martin from her husband, Robert. [Robert was charged with idiocy in the papers read; and after some considerations offered by Mr. ALEXANDER and Mr. POPE, the bill was passed.]

Also, a bill to divorce Joseph Miller from his wife Livina.

[A message from the Secretary of State now reported to the House sundry bills as having this day received the signature of the Governor.

Mr. PETERS represented in a most felicitous style and manner, that this bill was based upon a case in which the female complained of, had most strangely, but consistently, refused to comply with a material condition of the contract and vow always implied by marriage; and notwithstanding she had been married once before, and notwithstanding all the preparations of notice and papers for a divorce, she still constantly maintained her purpose. [The rule of the House, constitutional provision, and second and third readings were then dispensed, amidst bursts of merriment excited by gentlemen in various parts of the House.]

Mr. BROWN proposed to amend by adding a

rider clause divorcing the said Livina: which was lost, and the bill passed.

REPORTS FROM COMMITTEES ON WAYS AND MEANS.

Mr. L. COMBS, from the committee on Ways and Means, to which had been referred the bill for the benefit of Felix O. Beasley, reported back the same, with an expression of opinion that it ought not to pass. The bill was then rejected.

Mr. L. COMBS also reported resolutions adverse to the petitions of J. C. Bunch and Absalom Quinn; which were adopted.

Mr. L. COMBS, in pursuance of a recommendation in the Governor's message, reported a bill to amend an act entitled an act to invest the Craddock Fund. [Legalizes the investment by the Treasurer of a portion of said fund in six year State bonds, and provides for similar future investments;] passed.

Mr. C., pursuant to a resolution of the House, reported a bill to repeal the bounty on silk cocoons; together with a report connected with the subject from the Second Auditor. Referred to the committee on Agriculture and Manufactures.

Mr. C. also, in accordance with the Governor's recommendation, reported a bill for the benefit of municipal sheriffs. [Allows a bonus of 14 per cent. on all sums of revenue paid in before the 15th of December.] Read, &c.

Mr. WORTHAM moved that the time be extended to the 15th of January; but accepted of a proposition for the 10th of January, by the gentleman from Union.

Mr. L. COMBS insisted that the 15th of December was necessary in order to meet annual payments of interest in New York, &c.; and on motion of Mr. MAYHALL, the bill was laid on the table and ordered to be printed.

Mr. L. COMBS, from the same committee, to which had been referred the bill to abolish the First Auditor's office, reported a bill, as a substitute therefor, embracing the views of the committee, as well as the Governor's recommendations, with reference to the transfer of certain duties to the First Auditor's office: which was read; and then withdrawn and reported as an original bill, laid on the table, and ordered to be printed.

Mr. HARDY raised a question of order touching the right to withdraw a proposition before the House; which the SPEAKER overruled, and called for the orders of the day: which were dispensed to allow the Chairman of the committee on Ways and Means to report again the bill to abolish the First Auditor's office—which was also laid upon the table and ordered to be printed.

ORDERS OF THE DAY.

The Senate amendment to the House bill, entitled an act for the benefit of the town of Albany, was taken up and concurred in.

Senate bill, entitled an act for the benefit of the Clinton Circuit Court: passed.

Senate bill, entitled an act for the benefit of Jonathan T. Murdock, of Breckinridge county: was referred to the Judiciary committee.

Senate bill, entitled an act authorizing the County Court to change the location of the Poor-House in Barren county: referred to the Judiciary committee.

Senate bill, entitled an act to change the time of holding the election for Trustees in the town of Cadiz, Trigg county: passed.

Senate bill, entitled an act allowing the Sheriff of Pulaski county further time to make returns on his delinquent lists of master fines, collectable in 1845, being reported by the Clerk.

Mr. E. SMITH proposed to amend by a section allowing the Sheriff of Rockcastle county till the 4th of May next, to collect his county levy and make return of his delinquent list: which was adopted.

Mr. HARDY, at the instance of the gentleman from Pulaski, [Mr. ELLIOTT.] proposed to amend the bill by changing the words "Second Monday in November" to "First Monday in November;" which was adopted; and as amended, the bill passed.

Senate joint resolution, directing the visitation of the Transylvania University and the Lunatic Asylum, being taken up.

Mr. BARLEY, observed that the pauper inmates of the Deaf and Dumb Asylum at Danville, were becoming so numerous that it would be requisite to increase its endowment; and therefore he would propose to amend the resolution by inserting, at the proper place, the words "and the Deaf and Dumb Asylum at Danville;" which was adopted, and thus amended, the resolution passed.

COMMITTEE ON MILITARY AFFAIRS.

Mr. DESHA, from the committee on Military Affairs, reported a bill to legalize certain proceedings of the 20th regiment. [Legalizes the proceedings of a majority of the captains convened on the 17th of December, 1845, and makes their acts as valid as though they had met on the 5th of November of that year.] Read, &c.

Mr. HUNTON proposed to amend by a section legalizing the acts of a court martial of the 36th regiment, and making their acts as valid as though they had convened on the 3rd Thursday in October, 1844, met for the same business on the first Monday in November of that year: which was adopted.

The further readings were then dispensed: when Mr. GLENN, by way of rider, proposed to amend by adding a section, allowing to B. Wade, former sheriff of Todd county, or either of his successors, further time to return delinquent master fines of the years 1842, 1843: which was adopted.

BILLS CONCERNING THE FIRST AUDITOR'S OFFICE.

Mr. HARDY asked the indulgence of the House for one moment. There were now two bills, he said, of paramount interest to the House, which had just been laid upon the table and ordered to be printed. According to his recollection and construction of the rule, to bring up either of them before the House again, would require a motion sustained by a vote of two thirds. But it was now competent for the House to re-consider those votes, and to avoid difficulty; and for the sake of fairness to both sides of the House, he suggested that it ought to be done. He regretted that he was not himself in a position to make the motion—he not having voted for either order.

Mr. E. SMITH. To accommodate the gentleman from Barren, he would make the motion to re-consider the first order referred to.

The SPEAKER regarded the motion to re-consider as a privileged question, that could be made at any time within three days. He would, however, entertain the motion of the gentleman from Rockcastle.

Mr. HARRIAM could see no difficulty, and hoped gentlemen would not give themselves trouble in the case. The two bills would inevitably go together, as long as the one was to abolish and the other to establish the Auditor's office. The one could not come up fairly without the other. There was no danger—no ground for apprehension; and he would pledge himself to the gentleman from Barren to vote for taking his bill from the table at any time.

Mr. GLENN thought gentlemen were mistaken in their construction of the rule. He was impressed that it did not require two-thirds to take a proposition from the table. [He was referred to the 47th rule.]

Mr. J. S. SMITH. It required two-thirds to dispense; and the motion to take from the table, being a privileged motion, was equivalent to a motion to dispense.

The motion to re-consider was then carried, and the bill referred to the Judiciary committee, and ordered to be printed.

On motion of Mr. L. COMBS, the vote on the

bill to abolish the Auditor's office, was also re-considered; and then the bill was referred to the same committee, and ordered to be printed.

The SPEAKER laid before the House the report of the Superintendent of Common Schools: ordered to be printed.

Also, a communication from an Insurance Office in the city of Louisville, required by the charter to be laid before the Legislature.

Mr. L. COMBS. In view of the construction which had just been given to the rule, he moved to reconsider, and withdraw from the table, the bill for the benefit of punctual Sheriffs; which was done; and then the bill was referred to the committee on the Judiciary, and ordered to be printed.

Mr. STEVENSON obtained the unanimous consent of the House to offer the following resolution, which was adopted, to-wit:

Resolved, That the committee on the Judiciary inquire into the expediency of changing the time of holding the sessions of the Court of Appeals of this Commonwealth; and also to inquire into the expediency of reporting a bill, requiring one session to be held in December and the other in January of each year.

Mr. HUGHES asked leave to introduce a bill to change and re-model the Judicial Districts of this Commonwealth: which was objected to.

And then the House adjourned.

CORRECTION.—In the report of Saturday's House proceedings, Mr. HUNTON's proposition, by way of amendment, to exempt merchant from serving on juries, &c., was accidentally ascribed to the gentleman from Monroe, [Mr. BARLOW.]

In yesterday's Commonwealth, third column, the motion to lay Mr. HUNTON's resolutions on the table, the reporter has been requested to say, proceeded from Mr. HARRIAM, and not from the gentleman from Barren, [Mr. HARDY.]

HOUSE OF REPRESENTATIVES.

MONDAY, January 6, 1846.

MR. HUNTON'S RESOLUTIONS.—In continuation.

Mr. E. SMITH said he did not stand upon this floor as the apologist and advocate of the Circuit Judges. It was known to the House that he had but just introduced a bill to sweep them all from the bench, and reduce their number from nineteen to twelve or thirteen. Some of these venerable jurists had grown on the service of the State—their energies were paralyzed and it was not to be expected of them to discharge their duties with that promptitude and strength of nerve which belongs to vigorous manhood. But he was unwilling, now in their old age, when the State was about to give them their *quittances*, to attach to them the stigma of unfaithfulness and corruption. Neither was it true that they were already so branded by common fame. It was not so in the mountains, and if it were so in the low lands, after a residence of four or five years here as a representative, it had not yet come to his ears. But granting that there exists a few cases of malpractice, should we slander the virtuous on their account! No sir; no; but if he were but pointed to the culprit, he would vote to disgrace him from office like an unworthy dog. There should be no timidity as to the discharge of such duty among representatives. Did gentlemen consider what they were proposing to do by the adoption of this resolution! They are about to send the Sergeant-at-arms to

